

Lee Kean Choon v Khoo San & Ors

FEDERAL COURT (PUTRAJAYA) — CIVIL APPEAL NO 01(f)-11-04
OF 2025(B)
WAN AHMAD FARID CHIEF JUSTICE, VAZEER ALAM AND LEE
SWEE SENG FCJJ
9 DECEMBER 2025

Land Law — Jurisdiction of the court — Appeals to the court — Appellant filed appeal against decision of State Director and Land Administrator to partition two plots of land into four separate plots of land — High Court and Court of Appeal found that appellant's appeal was not filed within three months' period stipulated under s 418 of National Land Code ('the NLC') — Whether phrase 'communicated to him' in s 418 of NLC required official letter from land office — Whether State Director's decision to approve partition of two plots of land was communicated to appellant and if so, when did State Director and Land Administrator communicate this decision — National Land Code ss 141A, 142(3), 143(4), 418 & 431

Via originating summons ('the OS'), the appellant filed an appeal pursuant to s 418 of the National Land Code ('the NLC') against the decision of the Selangor State Director of Lands and Mines ('the second respondent') and the Klang District Land Administrator ('the third respondent') to partition two plots of land into four separate plots of land bearing fresh issue documents of title. The appellant and the first respondent were co-proprietors of the two plots of land. The appellant contended that the partition was done not in accordance with the law and was in breach of an agreement dated 4 November 1971 ('the agreement') between the first respondent and the appellant's father as the original co-proprietor of the two plots of land. The first respondent opposed the OS and counterclaimed for a declaration that the agreement was void due to frustration. The main issue before the High Court was whether the appellant's appeal pursuant to s 418 of the NLC was filed within the statutory time period of three months from the date the decision was communicated to the appellant. The High Court dismissed both the plaintiff's claim and the first respondent's counterclaim and on appeal, the Court of Appeal affirmed the High Court's decision. The appellant's notice of motion for leave of court to appeal to the Federal Court was allowed on the following question of law: 'Section 418 NLC 1980 provides '... within the period of three months beginning with the date on which it was communicated to him ...'. Whether the phrase 'communicated to him' here requires official letter officially from the Land Office?'. The crucial issue before the court was whether the second respondent's decision to approve the partition of the two plots of land was

- A communicated to the appellant and if so, when did the second respondent or the third respondent communicate this decision?

Held, allowing the appeal with costs here and below in the sum of RM30,000 against the first respondent and RM20,000 against the second and third respondents respectively, and setting aside the decisions of both the High Court and the Court of Appeal:

- B
- C
- D
- E
- F
- G
- H
- I
- (1) The court answered the question of law as followed: s 143(4) of the NLC provided that the decision of the State Director or Land Administrator, as the case may be, shall be notified by the Land Administrator to each of the co-proprietors. The notification shall be served on the co-proprietors in accordance with s 431 of the NLC, which necessarily means that it must be in writing and it must be official documentary communication under the hand of the authority such that it conforms with the requirements of the NLC. Hence, the phrase 'communicated to him' in s 418 of the NLC must be via official correspondence from the Land Administrator (see para 53).
 - (2) The High Court and the Court of Appeal had erred in holding that the three months' timeline to appeal under s 418 of the NLC be calculated from the date the appellant was informed about the second respondent's decision by the surveyor in early March 2021 and not from the date the appellant received actual notice of the decision in full, and the related documents on 18 August 2021. It was only on 18 August 2021 that the appellant knew with some certainty as to the exact nature of the second respondent's partition approval, thus enabling him to effectively lodge an appeal under s 418 of the NLC. He could not have done so with the limited information that he had from the surveyor in early March 2021 (see para 47).
 - (3) Taking 18 August 2021 as the date on which the decision was communicated, the appellant had until 18 November 2021 to file his appeal under s 418 of the NLC. The OS in the present case was filed on 3 November 2021, which was well within time. Hence, the court found that the appeal was competent, and the courts below ought to have considered the appeal on its merits (see para 49).
 - (4) The agreement governed the relationship of the appellant and the first respondent as co-proprietors of undivided equal shares of the two plots of land. Under the agreement, the land was apportioned into two parts, where the upper portion would be the appellant's land and the lower portion would be the first respondent's land. The appellant was entitled to rely on and enforce the terms of the agreement. Therefore, the conduct of the first respondent in applying for and obtaining partition of the two plots of land in a manner that fundamentally breached the terms of the

agreement, where the partition ran from top do down, instead of left to right, was a clear violation of the appellant's contractual rights under the agreement (see paras 50).

A

- (5) The first respondent in making the application for partition under s 141A of the NLC had a duty to make full and frank disclosure of all relevant matters for the consideration of the approving authority, which was the second respondent in the present case. In this regard, the agreement was a crucial document that must be disclosed in the application for partition, which the first respondent failed to do. The suppression of this crucial piece of evidence meant that the second respondent, in coming to the decision to partition the two plots in the manner sought by the first respondent, did not have all the relevant information before him. This had caused injustice and harm to the appellant (see para 51).

B

C

- (6) The non-service of the first respondent's application for partition on the appellant as required and mandated under s 142(3) of the NLC was a fatal flaw. This failure vitiated the proceedings for partition conducted by the second respondent and rendered his decision invalid, as the appellant had been deprived of his statutory right to raise objection to the partition of the land as submitted in the first respondent's application and to be heard on it (see para 52).

D

E

[Bahasa Malaysia summary]

Melalui saman pemula ('SP tersebut'), perayu memfailkan rayuan menurut s 418 Kanun Tanah Negara ('KTN') terhadap keputusan Pengarah Tanah dan Galian Negeri Selangor ('responden kedua') dan Pentadbir Tanah Daerah Klang ('responden ketiga') untuk pecah-bahagi dua lot tanah kepada empat lot tanah berasingan yang mengandungi dokumen hak milik terbitan baharu. Perayu dan responden pertama merupakan pemilik bersama kedua-dua lot tanah tersebut. Perayu berhujah bahawa pecah-bahagi tersebut dilakukan tidak mengikut undang-undang dan melanggar perjanjian bertarikh 4 November 1971 ('perjanjian tersebut') antara responden pertama dan bapa perayu sebagai pemilik bersama asal kedua-dua lot tanah tersebut. Responden pertama menentang SP tersebut dan menuntut balas untuk pengisytiharan bahawa perjanjian tersebut terbatal kerana kekecewaan. Isu utama di Mahkamah Tinggi adalah sama ada rayuan perayu menurut s 418 KTN telah difailkan dalam tempoh masa berkanun iaitu tiga bulan dari tarikh keputusan tersebut dimaklumkan kepada perayu. Mahkamah Tinggi menolak kedua-dua tuntutan plaintif dan tuntutan balas responden pertama dan atas rayuan, Mahkamah Rayuan mengesahkan keputusan Mahkamah Tinggi. Notis usul perayu untuk kebenaran mahkamah bagi merayu kepada Mahkamah Persekutuan dibenarkan atas persoalan undang-undang berikut: 'Seksyen 418 KTN 1980 memperuntukkan '... dalam tempoh tiga bulan bermula dari tarikh bilamana ia dikomunikasikan kepadanya ...'. Sama ada frasa

F

G

H

I

A 'dikomunikasikan kepadanya' di sini memerlukan surat rasmi secara rasmi daripada Pejabat Tanah?'. Isu penting di hadapan mahkamah adalah sama ada keputusan responden kedua untuk meluluskan pecah-bahagi dua lot tanah tersebut telah dimaklumkan kepada perayu dan jika ya, bilakah responden kedua atau responden ketiga mengkomunikasikan keputusan ini?

B

Diputuskan, membenarkan rayuan dengan kos di sini dan di bawah masing-masing berjumlah RM30,000 terhadap responden pertama dan RM20,000 terhadap responden kedua dan ketiga, dan mengenepikan keputusan Mahkamah Tinggi dan Mahkamah Rayuan:

C

(1) Mahkamah menjawab persoalan undang-undang tersebut seperti berikut: s 143(4) KTN memperuntukkan bahawa keputusan Pengarah Negeri atau Pentadbir Tanah, mengikut mana-mana yang berkenaan, hendaklah dimaklumkan oleh Pentadbir Tanah kepada setiap pemilik bersama. Pemakluman tersebut hendaklah disampaikan kepada pemilik bersama mengikut s 431 KTN, yang semestinya bermaksud bahawa ia haruslah secara bertulis dan ia haruslah komunikasi dokumentar rasmi di bawah tandatangan pihak berkuasa supaya ia mematuhi keperluan KTN. Oleh itu, frasa 'dikomunikasikan kepadanya' dalam s 418 KTN haruslah melalui surat-menyurat rasmi daripada Pentadbir Tanah (lihat perenggan 53).

D

E

F

G

H

I

(2) Mahkamah Tinggi dan Mahkamah Rayuan telah terkhilaf dalam memutuskan bahawa tempoh masa tiga bulan untuk merayu di bawah s 418 KTN dikira dari tarikh perayu dimaklumkan tentang keputusan responden kedua oleh juruukur pada awal Mac 2021 dan bukan dari tarikh perayu menerima notis sebenar keputusan sepenuhnya, dan dokumen berkaitan pada 18 Ogos 2021. Hanya pada 18 Ogos 2021 perayu mengetahui dengan pasti tentang sifat sebenar kelulusan pecah-bahagi responden kedua, sekali gus membolehkannya mengemukakan rayuan secara berkesan di bawah s 418 KTN. Dia tidak mungkin boleh berbuat demikian dengan maklumat terhad yang diperolehnya daripada juruukur tersebut pada awal Mac 2021 (lihat perenggan 47).

(3) Dengan mengambil 18 Ogos 2021 sebagai tarikh keputusan dikomunikasikan, perayu mempunyai masa sehingga 18 November 2021 untuk memfailkan rayuannya di bawah s 418 KTN. Saman pemula dalam kes semasa telah difailkan pada 3 November 2021, iaitu dalam tempoh masa yang ditetapkan. Oleh itu, mahkamah mendapati bahawa rayuan tersebut kompeten, dan mahkamah-mahkamah di bawah sepatutnya mempertimbangkan rayuan tersebut berdasarkan meritnya (lihat perenggan 49).

(4) Perjanjian tersebut mengawal hubungan perayu dan responden pertama sebagai pemilik-pemilik bersama bahagian yang sama rata yang tidak

dibahagikan bagi dua lot tanah tersebut. Di bawah perjanjian tersebut, tanah tersebut dibahagikan kepada dua bahagian, di mana bahagian atas adalah tanah perayu dan bahagian bawah adalah tanah responden pertama. Perayu berhak untuk bergantung dan menguatkuasakan terma-terma perjanjian tersebut. Oleh itu, tindakan responden pertama dalam memohon dan mendapatkan pecah-bahagi dua lot tanah tersebut dengan cara yang secara asasnya melanggar terma-terma perjanjian tersebut, di mana pecah-bahagi tersebut bermula dari atas ke bawah, bukannya dari kiri ke kanan, merupakan pelanggaran yang jelas terhadap hak-hak kontrak perayu di bawah perjanjian tersebut (lihat perenggan 50).

- (5) Responden pertama dalam membuat permohonan pecah-bahagi di bawah s 141A KTN mempunyai tanggungjawab untuk membuat pendedahan penuh dan terus terang tentang semua perkara berkaitan untuk pertimbangan pihak berkuasa yang meluluskan, iaitu responden kedua dalam kes semasa. Dalam hal ini, perjanjian tersebut merupakan dokumen penting yang harus didedahkan dalam permohonan pecah-bahagi, yang mana responden pertama gagal berbuat demikian. Penahanan keterangan penting ini bermakna responden kedua, dalam membuat keputusan untuk pecah-bahagi kedua-dua plot tersebut mengikut cara yang diminta oleh responden pertama, tidak mempunyai semua maklumat berkaitan di hadapannya. Ini telah menyebabkan ketidakadilan dan kemudaratannya kepada perayu (lihat perenggan 51).
- (6) Kegagalan responden pertama untuk menyampaikan permohonan pecah-bahagi tanah kepada perayu seperti yang dikehendaki dan diamanatkan di bawah s 142(3) KTN merupakan satu kecacatan yang fatal. Kegagalan ini menjejaskan prosiding pecah-bahagi tanah yang dijalankan oleh responden kedua dan menjadikan keputusannya tidak sah, kerana perayu telah dilucutkan hak statutorinya untuk mengemukakan bantahan terhadap pecah-bahagi tanah seperti yang dikemukakan dalam permohonan responden pertama dan untuk didengar mengenainya (lihat perenggan 52).]

Cases referred to

Kijal Resort Sdn Bhd v Pentadbir Tanah Kemaman & Anor [2016] 1 MLJ 544, FC (refd)
Margaret Chua v Ho Swee Kiew & Ors [1961] 1 MLJ 173, CA (refd)

Legislation referred to

National Land Code ss 140, 141, 141A, 142, 142(1)(b), (3), (4)(a), 143, 143(4), (4)(a), (4)(b), 144, 418, 418(1), (2), 430, 431, 432, Form 9B

Appeal from: *Lee Kean Choon v Khoo San & Ors and another appeal* [2025] 4 MLJ 1 (Court of Appeal, Putrajaya)

- A *M Rajenthirakumar R Malaiapan (with Tee Tai Tzian, Lee Lin Jun and Hiu Yeat Fong) (Tee Tai Tzian & Sim) for the appellant.*
Terence Chan Kah Meng (with Chai Bitt Yen and Yeap Xi Jin) (Ting & Ting) for the first respondent.
- B *Hani Aziza bt Ismail @ Aziz (with Namirah Hanum bt Mohamed Albaki and Nur Syafinaz Hayati bt Kamarrudin) (Selangor State Legal Advisor's Office) for the second and third respondents.*

Vazeer Alam FCJ (delivering judgment of the court):

C INTRODUCTION

- D [1] The appellant (plaintiff in the High Court) filed an action primarily to nullify the partition of two plots of land in which the appellant and the first respondent (first defendant in the High Court) were co-proprietors with equal undivided shares. The partition was done by the second respondent (second defendant in the High Court) as the Selangor State Director of Lands and Mines, and the fresh titles were registered and issued by the third respondent (third defendant in the High Court) as the Klang District Land Administrator.
- E [2] The plaintiff contended that the partition was not done in accordance with the provisions of the law and additionally was in breach of an agreement dated 4 November 1971 between the first respondent and the plaintiff's father who was the original co-proprietor of the two plots of land with the first respondent. The plaintiff's application in the originating summons was in effect an appeal under s 418 of the National Land Code (Revised 2020) ('the NLC') against the decision of the second and third respondents to partition the two plots of land into four separate plots bearing fresh issue documents of title. The plaintiff had, among others, prayed for the following reliefs:
- F (a) leave of court to file the appeal in the High Court against the second respondent's decision on 7 August 2020 approving the first respondent's applications dated 11 February 2020 partitioning the two plots of land held under Geran 326882, Lot 15951, Mukim Kapar, Daerah Klang, Selangor ('Geran 326882') dan Geran 326883, Lot 15952, Mukim Kapar, Daerah Klang, Selangor ('Geran 326883') into four separate titles ('second respondent's approvals');
- G (b) declaration to the effect that the second respondent's approvals to partition the two plots of land are ultra vires and invalid, hence to set aside the said approvals;
- H (c) a declaration to revoke the four titles which were issued as a result of the second respondent's approvals to partition the two plots of land and that Geran 326882 and Geran 326883 be restored and remain in force; and
- I (d) extension of time to file the originating summons in the High Court to

appeal against the second respondent's approvals.

A

[3] The first respondent, apart from opposing the originating summons, counterclaimed for a declaration that the agreement dated 4 November 1971 was void due to frustration arising from the changes to the two plots of land that had occurred over the years, and also prayed for an order for the removal of private caveats on the land lodged by the appellant.

B

[4] High Court dismissed the plaintiff's claim with costs. The first respondent's counterclaim to declare the agreement dated 4 November 1971 void was also dismissed, however, the application for removal of the caveats was allowed. The appellant's appeal to the Court of Appeal against the High Courts decision was dismissed and the order of the High Court was affirmed.

C

[5] The main issue before the High Court and Court of Appeal was whether this appeal filed by the appellant pursuant to s 418 of the NLC was filed with the statutory time period of three months from the date the decision was communicated to him. If it was filed beyond the three months period from the date when the second respondent's approvals were communicated to the appellant, the appeal would be rendered incompetent thus affecting the jurisdiction of the High Court to hear the matter. Hence, the court was called upon to construe the meaning of 'communicated' in s 418 of the NLC, and ascertain whether the manner in which the decision of the second respondent to partition the two plots of land was conveyed to the appellant was sufficient to constitute 'communication', and if so, when was it done. The determination of these matters is crucial for the computation of time stipulated in s 418 of the NLC.

D

E

F

THE MOTION OF LEAVE

[6] On 23 April 2025, the appellant's notice of motion for leave of court to appeal to the Federal Court was allowed by this court on the following question of law:

G

Section 418 NLC 1980 provides '... within the period of three months beginning with the date on which it was communicated to him ...'. Whether the phrase 'communicated to him' here requires official letter officially from the Land Office?

H

BACKGROUND FACTS

[7] The appellant's father, Lee Booh @ Lee Ong, and the first respondent, Khoo San, who were co-proprietors of a piece of land known as Lot 5525, Mukim Kapar, Daerah Klang, Selangor ('the said land') held under Hakmilik 39612 ('the old title') had by an agreement dated 4 November 1971 ('the agreement') divided the said land into two distinct portions, one delineated in

I

A red for the exclusive use and benefit of the first respondent and the other in blue for the exclusive use and benefit of appellant's father. This is provided for in cl 3 of the agreement, where it is stated:

B 3. The said Khoo San shall have the use and benefit of that part of the land delineated in red while the said Lee Booh alias Lee Ong shall have the use and benefit of the part delineated in blue as more particularly set out in the sketch plan attached hereto.

The other relevant clauses of the agreement are:

C 2. The parties hereto shall be entitled to be registered as co-proprietors of a half undivided share each in the said land.

...

D 4. In the event that the parties hereto are desirous of apportioning the said land, the parties each for their own part hereby covenants with the other to sign all necessary documents to facilitate the same. It is mutually agreed between the parties hereto that the document of title shall be kept by the said Khoo San for safe custody.

...

E 6. This agreement shall be binding upon the Personal Representatives, assigns and successors in title of the parties hereto.

[8] The sketch plan referred to in cl 3 to the agreement is as below:

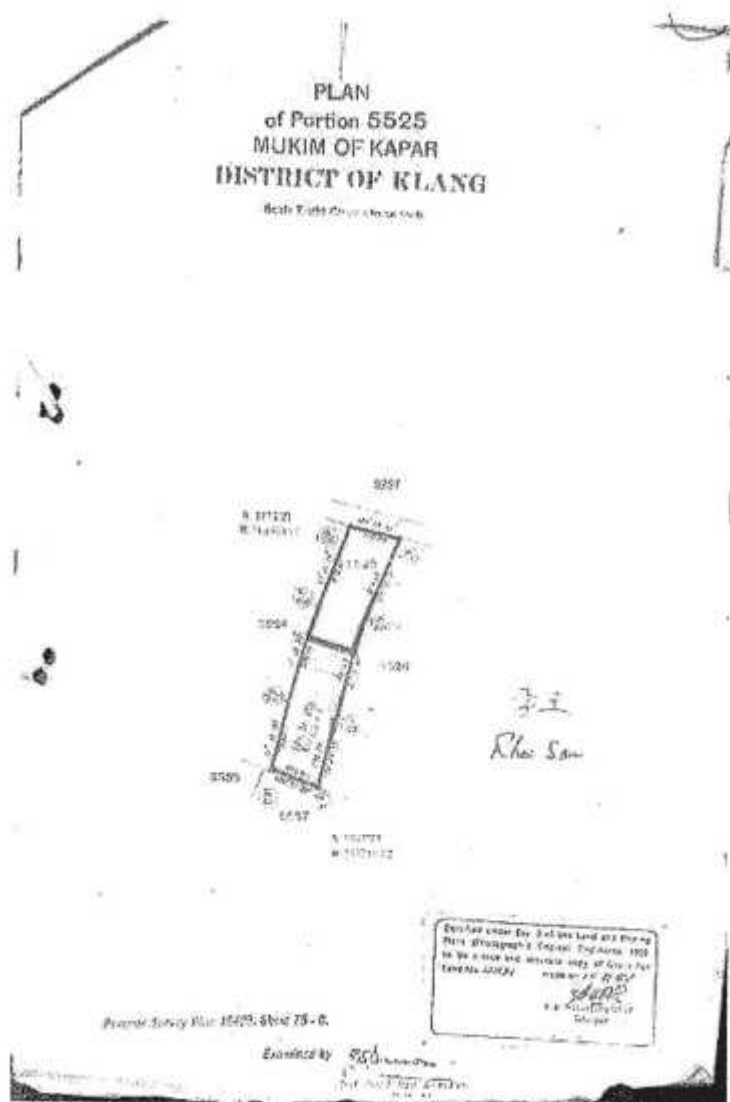
F

(the remainder of this page is intentionally left blank)

G

H

I



[9] Further, it was agreed between the appellant's father and the first respondent, that the appellant's father would plant durian trees on his part of the land while the first respondent would plant oil palm trees on the first respondent's part of the land. And so it was done.

- A [10] On 16 June 2008, the appellant's father transferred his half undivided share in the said land to the appellant, who then became the registered owner of that half undivided share, while the first respondent remained as the registered owner of the other half undivided share. In accordance to cl 6 of the agreement, the agreement was binding on both the appellant and the first respondent.
- B

- C [11] From the beginning, the appellant's father (and subsequently the appellant) and the first respondent used a single main access road located behind the first respondent's part of the land ('the main access road') as ingress and egress to their respective parts of the land, whereby the first respondent would have direct access to his part, while the appellant and his father would have to pass through the first respondent's part of the land in order to access to their part of the land. This can be seen in the sketch plan below:
- D

D

E

F

G

H



I

- [12] On 13 October 2015, a part of the said land was acquired by the government to build Jalan Kampung Bukit Kerayong ('the land acquisition'). As a result of the land acquisition, the said land was severed into two parts, and the old title became two separate titles known as Geran 326882 and Geran 326883, with the appellant and the first respondent remaining as co-proprietors on both titles. This can be seen in the sketch plan below where Geran 326882 is marked yellow and Geran 326883 is marked green, with Jalan Kampung Bukit Kerayong running between the two:

**F**

G

H

I

A

B

C

D

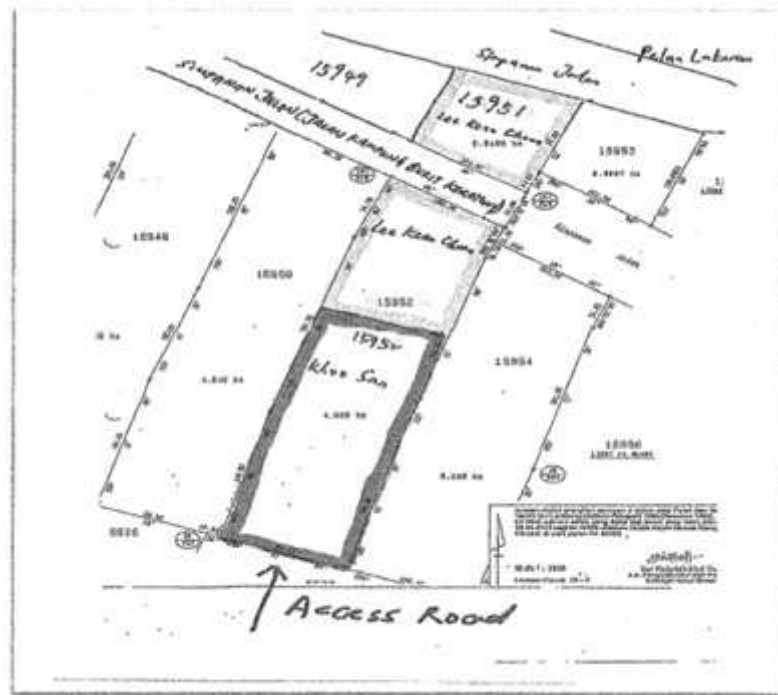
E

F

G

H

I



[16] In 2019, the first respondent alleged that he had lost access to his part of the land as the main access road was completely blocked by the construction of the West Coast Expressway ('WCE'). The first respondent then spoke to the appellant a few times in order to gain alternative access through the appellant's part of the land from Jalan Kampung Bukit Kerayong as the appellant's part of the land was gated at all times. However, the appellant refused.

[17] On 4 February 2020, the first respondent, without the knowledge or consent of the appellant, applied under ss 140–144 of the NLC for the partition of Geran 326882 and Geran 326883 ('the applications for partition'). On 7 August 2020, the second respondent approved the said applications for partition, and upon which:

(a) Geran 326882 was partitioned into:

- (i) HSD 165150 PT 84526, Mukim Kapar, Daerah Klang, Selangor where the first respondent is the registered owner (the red portion in the sketch below) ('HSD 165150'); and
- (ii) HSD 165151 PT 84527, Mukim Kapar, Daerah Klang, Selangor

where the appellant is the registered owner (the blue portion in the sketch below ('HSD 165151'));

(b) Geran 326883 was partitioned into:

- (i) HSD 165152 PT 84528, Mukim Kapar, Daerah Klang, Selangor where the first respondent is the registered owner (the red portion in the sketch below ('HSD 165152')); and
- (ii) HSD 165153 PT 84529, Mukim Kapar, Daerah Klang, Selangor where the appellant is the registered owner (the blue portion in the sketch plan below ('HSD 165153')).



[18] The appellant did not have any knowledge of the applications for partition. In early March 2021, a surveyor from the Klang Land Office was on the appellant's part of the land to carry out land title survey work on Grant 326882. It was then that the appellant was shown by the surveyor a letter of approval of the application for partition of the land contained in Grant 326882 dated 3 September 2020. This is the first time that the appellant had any information as to the partition of Grant 326882.

[19] The appellant was surprised because he had never made any application for the partition of Grant 326882 and was also never informed by the first respondent regarding any application for its partition. Nor was the appellant ever asked by the first respondent to sign any application for partition of the lands. Further, the appellant was never shown any proposed partition plan even

A though the appellant was always on his part of the land in both Grant 326882 and Grant 326883.

B [20] The appellant subsequently, through his previous solicitors, Messrs Rafik Rahem & Associates, sent a letter dated 26 March 2021 to the third respondent objecting to the partition of Geran 326882 and further enquired whether the application for partition also included Geran 326883.

C [21] However, the letter dated 26 March 2021 was not responded to by the third respondent. The appellant was then informed by an officer at the third respondent's office that the letter dated 26 March 2021 was never received by the third respondent.

D [22] The appellant's previous solicitor resent the letter dated 26 March 2021 together with a letter dated 13 August 2021 to obtain documents relating to the application for the partition of both Geran 326882 and Geran 326883. Subsequently, the third respondent's office served copies of the relevant documents and the decision of the second respondent on the appellant's previous solicitor on 18 August 2021.

E [23] Upon receiving the said documents, the appellant found that:
(a) the application form for partition did not carry the appellant's signature;
(b) that the first respondent did not disclose the existence of the agreement to the second respondent; and
F (c) that the partition was in breach of the terms of the agreement.

G [24] The appellant then filed the originating summons in the High Court appealing against the decision of the second respondent to partition both Geran 326882 and Geran 326883. The respondents argued that the appeal was filed beyond the three months stipulated in s 418 of the NLC and thus the court lacked jurisdiction. The respondents contended that the time ran from March 2021 when the third respondent's surveyor informed the appellant of
H the second respondent's decision to partition Geran 326882. However, in contrast the appellant argued that time started to run from 18 August 2021 when the third respondent served all copies of documents relating to the partition application and the letter of the second respondent's decision.

I THE HIGH COURT'S DECISION

[25] The findings and decision of the High Court are well summarised by the Court of Appeal in paras 16 and 17 of its grounds of judgment:

[16] The learned HCJ's decision can be summarised as follows:

- (i) under s 418 of the National Land Code (Revised 2020) ('the NLC'), the plaintiff was required to file appeal against the second defendant's decision to partition the land under s, 418 of the National Land Code (Revised 2020) ('the NLC') at least three months from the date the plaintiff was notified and came to know of the second defendant's decision in approving the first defendant's application for partition of the land held under Geran 326882; A
- (ii) based on the evidence before the court, the three months should be calculated from the date the plaintiff was informed about the decision of partitioning ie, in March 2021 ie, at most before 1 July 2021 and not from the date they received the documents about the partition from the second or third defendants; B
- (iii) ipso facto, the High Court therefore had no jurisdiction to allow plaintiff's appeal under s 418 of the NLC; C
- (iv) with reference to the plaintiff's application to extend the time to file his appeal against the second defendants decision, the High Court has no powers to extend the period stipulated under s 418 of the NLC (see the case of *Mohd Nadir bin A Syed Ahamed & Ors v Zubaidi bin Abdul Hamid & Ors* [1994] 2 MLJ 159 ; [1994] CLJU 187; [1994] 1 LNS 187; and D
- (v) the specific provision under s 418 of the NLC cannot be circumvented by an application for a declaratory relief as decided by the Federal Court in *Land Executive Committee of the Federal Territory v Syarikat Harper Gilfillan Berhad* [1981] 1 MLJ 234; [1980] CLJU 150; [1980] 1 LNS 150. The plaintiffs failure to adhere the requisite timeline provided was therefore fatal. E

The first defendant's counterclaim F

- (i) with reference to the first defendant's counterclaim, the evidence adduced was insufficient to support his claim that the 1971 agreement was frustrated; G
- (ii) there was no credible evidence adduced to prove that as a result of the land acquisition which caused the land held under Geran 39612 to be separated into Geran 326882 and 326883, the first defendant no longer had access to his portion under the 1971 agreement; H
- (iii) the evidence adduced shows that despite the 2015 acquisition, the first defendant still had access to his land. Furthermore, the first defendant had not raised any issue on the fact that he could not gain access to his land to carry out plantation activities; I
- (iv) the 2015 land acquisition could not be said to cause a change of circumstances that resulted in a fundamental and radical change to rights and obligations of the first defendant and the plaintiff which rendered the 1971 agreement impossible of being performed; I
- (v) the rights of both the plaintiff and the first defendant as the registered co-proprietors on Geran 326882 based on the law and their physical

- A possession was not adversely affected despite the land acquisition exercise and the issuance of the two separate titles under Geran 326882 and 326883;
- (vi) even if the changes can be said to have the effect of frustrating the 1971 agreement, that change was caused by the first defendant's own act in applying for the partition of both Geran 326882 and 326883. This was not a change that was beyond the control of the first defendant but a self-induced frustration; and
- B
- (vii) in light of the aforesaid, both the plaintiff's claim and the defendant's counterclaim were dismissed with no order as to cost.
- C

THE COURT OF APPEAL'S DECISION

- [26] The Court of Appeal was of the view that there were two main issues for determination and decided as follows in the grounds of judgment:
- D

Decision

[45] For purposes of the present appeal, we are of the view that there are two main issues that has to be dealt with:

- E
- (i) firstly, whether the service of the notice by way of substituted service by the third defendant was valid?
- (ii) secondly, whether the time for the plaintiff to lodge the appeal commences from early March 2021 or from 18 August 2021?

- F Court's analysis on the first issue

[46] It is an undisputed fact that the notice of the first defendant's application to the second defendant was served to the plaintiff by the third defendant by way of substituted service. This was done by affixing a copy of the said notice on a court-house around 14 February 2020 (p 291 *RR, Bahagian C, Jld 2A* (encl 5) and by publishing a copy of the said notice in the *Gazette* on 12 March 2020 (p 294 *RR, Bahagian C, Jld 2A* (encl 5) as required under s 432(1)(a)(ii) and (b) of the NLC.

G

- [47] The attempt to serve the said notice by way of personal service was however done on 19 February 2020 which was well after the notice by way of substituted service was deemed served on the plaintiff. This was confirmed by the third defendant's AIR at p 81 *RR, Bahagian B, Jld 2* (encl 4), where the notice server, one Hafizul Alias affirmed that he could not locate the plaintiff at his address based on the official land search, on 19 February 2020.
- H

- [48] As the substituted service was effected earlier than the attempt to serve by way of personal service, we therefore are of the considered view that substituted service which was effected on 14 February 2020 was irregular and premature as submitted by learned counsel for the plaintiffs.
- I

The court's analysis on the second issue

[49] Under s 418 of the NLC:

Any person or body aggrieved by any decision under this Act of the State Director, the Registrar or any Land Administrator may *at any time within the period of three months beginning with the date on which it was communicated to him, appeal therefrom to the Court.* (Emphasis added.)

A

[50] The issue of when the period of three months is to be calculated was dealt extensively by the Federal Court in *Mohd Nadir bin A Syed Ahamed & lain-lain lwn Zubaidi bin Abdul Hamid & lain-lain*, where the applicant's appeal pursuant to the provisions of s 418 of the NLC therein, was filed out of time by one day.

B

[51] Whilst we do not condone the manner in which the second and third defendants effected substituted service of the notice of the first defendant's application for partition to the second defendant, we are constrained to state that based on the principle of stare decisis as explained by the Federal Court in the case of *Dalip Bhagwan Singh v Public Prosecutor* [1998] 1 MLJ 1; [1997] 4 CLJ 645, we are obliged to follow the decision of the Federal Court in *Mohd Nadir bin A Syed Ahamed & lain-lain lwn Zubaidi bin Abdul Hamid & lain-lain*.

C

D

[52] Based on the aforesaid decision, it is axiomatic that the three month timeline to file the appeal under s 418 of the NLC, must for all intent and purposes be calculated from the date the plaintiff was informed about the decision of partitioning in early March 2021 and not from the date the plaintiff received the documents about the partition from the second or third defendants in August 2021.

E

Conclusion

[53] In the upshot, notwithstanding our finding that the substituted service was irregular and premature, the plaintiff's appeal to the High Court was out of time.

[54] Accordingly, we agree with the decision of the High Court judge not to allow the first defendant's counterclaim for a declaration that the 1971 agreement is frustrated for circumstances beyond the control of both parties and no to award any form of compensation sought.

F

DECISION OF THIS COURT

G

[27] The appellant's appeal to the High Court was pursuant to s 418 of the NLC that reads:

418 Appeals to the court

H

- (1) Any person or body aggrieved by any decision under this Act of the (State Director), the Registrar or any (Land Administrator) may *at any time within the period of three months beginning with the date on which it was communicated to him, appeal therefrom to the Court.*
- (2) Any such appeal shall be made in accordance with the provisions of any written law for the time being in force relating to civil procedure; and the Court shall make such order thereof as it consider just.
- (3) In this section 'decision' includes any act, omission, refusal, direction or order. (Emphasis added.)

I

- A [28] If the appellant intends to appeal the decision of the second respondent, he would, pursuant to s 418(1) of the NLC, have to so within a period of three months from the date of communication of the decision to him. Hence, the crucial issue before us is: was the second respondent's decision to approve the partition of both the plots of land contained in Geran 326882 and
- B Geran 326883 communicated to the appellant, and if so, when did the second or third respondent communicate this decision?

- C [29] Uncontroverted evidence shows that the first respondent as co-proprietor unilaterally applied for partition of both the plots of land contained in Geran 326882 and Geran 326883 pursuant to s 141A of the NLC, and it reads:

141A Application for partition by any co-proprietor

- D Notwithstanding sections 140 and 141, any co-proprietor where other co-proprietors neither join in nor consent to the making of the application may apply for approval to partition the land.

- E [30] The procedure for application of partition of land is contained in s 142 of the NLC and it provides:

142 Applications for approval

(1) Any application for approval of the partition of any land shall be made in writing to the land Administrator in Form 9B, and shall be accompanied by —

- F (a) such fee as may be prescribed;
- (b) *a plan of the land on a scale sufficient to satisfy the Land Administrator of all the details of the partition*, together with such number of copies thereof as may be prescribed or, in the absence of any such prescription, as the Land Administrator may require;
- G (c) if it is so prescribed or, in the absence of any such prescription, if the Land Administrator so requires, a copy of any approval or consent required under paragraph 136(1)(c) (as applied by section 141);
- (d) all such written consents to the making of the application as are required under paragraph (e) of the said subsection as so applied; and
- H (e) the written consent to the making of the application of any co-proprietor who has not joined therein, provided that in the case of an application made under section 141A, such consents shall be dispensed with.

- I (2) Upon receiving any application under subsection (1), the Land Administrator shall endorse, or cause to be endorsed, a note thereof on the register document of title to the land to which it relates.

(3) *In the case of an application made under section 141A, the Land Administrator shall notify the other co-proprietors of the proposed partition, requiring them to submit in writing within a period of twenty-eight days from the date of service of the notice, any*

objection setting out fully the grounds on which the objection is based.

A

(4) *Upon expiry of the period specified in subsection (3), the Land Administrator —*

(a) *where there are objections, shall notify the applicant and the remaining co-proprietors and hold an enquiry at the specified time and place, and —*

B

(i) *if satisfied that good grounds exist, shall reject the application or, in the case of an application relating to land the partition of which requires the approval of the State Director, shall recommend that the application be rejected; or*

(ii) *in any other case, may approve the application or (as the case may be), recommend to the State Director that the application be approved; and*

C

(b) *where there are no objections, after due consideration, may approve the application or (as the case may be), recommend to the State Director that the application be approved.*

D

(5) *When the Land Administrator is satisfied that any application for partition of land is subject to —*

(a) *the category ‘agriculture’ or to any condition requiring its use for an agricultural purpose; and*

E

(b) *the said land is two-fifths of a hectare or less than two-fifths of a hectare, he shall refer the application to be approved by the State Authority.*

[31] There is clear statutory requirement in s 142(1)(b) of the NLC that the application for partition shall be made to the Land Administrator, in this case the third respondent, in the statutory Form 9B and shall be accompanied with, among others, a plan of the land on a scale sufficient to satisfy the Land Administrator of all the details of the partition. Further, s 142(3) of the NLC provides that in the case of an application for partition made under s 141A of the NLC, which is the case here, the Land Administrator, ie the third respondent, shall notify the other co-proprietors of the proposed partition, requiring them to submit in writing within a period of 28 days from the date of service of the notice, any objection setting out fully the grounds on which the objection is based.

F

G

H

[32] Hence, there are two important provisions in s 142(3) of the NLC, the first a legal duty and the other a statutory right, namely:

(a) *that upon receiving the first respondent’s application under s 141A of the NLC, the third respondent shall give the appellant notice of the said application to the other co-proprietors; and*

I

(b) *that upon receipt of such notification, the other co-proprietors are afforded the statutory right to raise objection to the application for partition setting out fully the grounds on which the objection is based,*

A and such right shall be exercised within a period of 28 days from the date of service of the notice.

B [33] Further, s 142(4)(a) of the NLC provides that in case there are objections by the other co-proprietors of the proposed partition, the third respondent shall give notice to all co-proprietors of an enquiry to be held at a specified time and place to enquire into the objections. This would be the co-proprietors' right to be heard, a substantive right in law.

C [34] It is common ground that the appellant was neither involved in nor notified of the application by the first respondent for the partition of the subject lands. The first respondent never brought his application under s 141A of the NLC to the appellant's knowledge.

D [35] The third respondent sought to serve the s 142(3) statutory notice of the first respondent's application to the appellant by way of substituted service under s 432 of the NLC. However, the Court of Appeal found the said substituted service to be irregular, and thus there was no proper service of the notice required under s 142(3) of the NLC. This failure meant that the appellant was deprived of his right to object to the first respondent's application and further denied his right to be heard on the objection at the statutorily mandated enquiry to be conducted by the third respondent. This is a grave breach of the appellant's statutory right and a clear denial of natural justice.

F [36] The second and third respondents then proceeded with the first respondent's application in the absence of any participation by the appellant, and approved the application for partition based on the plan submitted by the first respondent. And that plan submitted by the first respondent was not in accordance with the terms of the agreement. Now, once the second respondent had approved the first respondent's partition application for both the plots of land held under Geran 326882 and Geran 326883, there is a further statutory requirement for the third respondent to notify all co-proprietors of that approval. This requirement is provided in s 143(4) of the NLC, which reads:

H 143 Powers of Land Administrator or State Director in relation to applications

...

I (4) *On approving*, or being informed by the State Director that he has approved, the partition of any land, *the Land Administrator shall notify each of the co-proprietors of the approval*, and of any modifications subject to which it is given, and shall in each such notification specify, *and call upon the co-proprietors as a whole to pay to him within a specified time —*

(a) *in a case where the individual portions are to be surveyed by a Survey Officer, the amount, or estimated amount, of the fees chargeable for the survey of each portion: and*

- (b) *in every case, the fees chargeable in connection with the preparation and registration of final documents of title to each portion.* A

[37] Hence, apart from notifying the co-proprietors of the approval, the third respondent must also require the co-proprietors, namely the appellant and first respondent, to pay the survey fees for their respective portions and the fees chargeable in connection with the preparation and registration of final documents of title to each portion. Such notice would have to be served on the appellant in accordance to the provisions in s 431 of the NLC: B

431 Methods of service C

(1) Without prejudice to any other method of service, a notice may be served on a person or body for the purposes of this Act —

- (a) by delivering the notice to the person; or
- (b) by delivering the notice — D
 - (i) at the person's usual or last known place of abode or business to his servant or to an adult member of his family; or
 - (ii) at the body's registered office or usual or last known place of business to its servant or agent; or E
- (c) by leaving the notice in a cover addressed to the person or body —
 - (i) at the person's usual or last known abode or place of business; or
 - (ii) at the body's registered office or usual or last known place of business; or F
- (d) by sending the notice by prepaid registered post to the person or body at an address for service given in pursuance of any provision of this Act or, where no such address has been given —
 - (i) at the person's usual or last known abode or place of business; or G
 - (ii) at the body's registered office or usual or last known place of business; or
- (e) by substituted service in accordance with section 432. H

[38] Further, s 430 of the NLC defines 'notice' as follows: H

430 Interpretation

In this Part, 'notice' includes any notification, instrument or other document authorized or required by this Act to be served on any person or body. I

Hence, it is very clear that in order for the notice to be served in the manner prescribed in s 431 of the NLC, it must be in writing, for the act of serving the notice by delivering, leaving, posting, or substituted service in mode envisaged

A in s 432 of the NLC can only be done through a document.

[39] An administrative decision is not operative until proper notice is given to the person affected, Public authorities must act reasonably and fairly, which includes communicating their decisions effectively so that the persons affected
B can exercise their legal rights. Where the statute required notice to be served, failure to communicate in accordance with the statutory procedure rendered the decision ineffective and unenforceable. Effective communication is essential to give the affected party notice and an opportunity to comply with, challenge, or act upon the decision. This was noted by the Federal Court in
C *Kijal Resort Sdn Bhd v Pentadbir Tanah Kemaman & Anor* [2016] 1 MLJ 544, at p 577, where it observed:

By the acquisitions of the land, the appellant was deprived of its right to own the property. As such it would only be just and fair that the decision to acquire the lands
D be brought to the appellant's actual knowledge by way of communicating the same to the appellant. The rights of a citizen to property under art 13 of the Federal Constitution could only be deprived in accordance with law and that an actual or express notice (as opposed to a constructive notice by way of a gazette) of such deprivation ought to have been given to the citizen. *The appellant cannot be expected*
E *to apply for leave to commence judicial review to challenge the deprivation of its rights to the property unless it has knowledge or is made aware of such deprivation and this could only happen when the appellant is served with the actual or express notice that its right has been infringed.*

F [40] Hence, for time to run for an appeal to be lodged under s 418 of the NLC, the appellant would need to be properly served with the decision in accordance with the relevant provisions of the statute, from which the appellant would have actual knowledge of the decision.

G [41] Whether a formal mode of communication is required depends on the nature of the decision, the statutory framework governing the authority, and the legal consequences of the decision. In law, the communication of a decision by a lawful authority does not always have to be in a particular formal style, unless the same is statutorily prescribed. We note that there is no requirement
H of a specific form in the NLC. However, we would hasten to add that, though the form of notice is not stipulated, the decision to be communicated under s 143(4) of the NLC must be in writing by virtue of the provisions of s 431 of the NLC relating to service of notices, and such notice must contain the conditions or particulars stipulated in s 143(4)(a) and (b) of the NLC. Further,
I it is obvious that where substituted service is resorted to under s 432 of the NLC, the notice cannot be but in writing.

[42] Where the enabling statute or regulation prescribes the mode of communication, those requirements must be strictly followed. Hence, in this

case, the decision of the second respondent must be officially conveyed in writing to those affected, including the appellant as co-proprietor, as is required under s 143(4) of the NLC. After all the second respondent's decision is the culmination of the statutory function carried out by the second and third respondents in exercise of their official duties. There is no reason why the notification of the decision should be anything other than official and in writing, when the application itself is under a statutory form prescribed by statute. Thus, the notice shall be officially under the hand of the third respondent and shall convey the decision fully and must contain sufficient particulars to enable those affected to avail themselves of their legal rights and remedies, including filing an appeal to the High Court under s 418 of the NLC.

[43] The right to be informed of a decision of an authority carrying out a statutory function is not merely part of procedural fairness but one of substantial justice. A person cannot be expected to comply with or challenge a decision they are unaware of or one that does not convey the decision comprehensively as a whole. Thus, we would state that when an authority conveys any decision upon a formal application being made, such as an application for partition under s 141(A) of the NLC, it is best done via formal written communication, such as a formal letter under the hand of the said authority, because:

- (a) it affects legal rights or obligations and provides clear evidence of the date and content of the decision;
- (b) it protects the authority against claims of non-communication and in this regard establishes proof of communication; and
- (c) it enables accurate calculation of time limits for statutory appeals or judicial review.

[44] The facts of this case show that sometime in early March 2021, the land surveyor from the third respondent's office was on the land held under Geran 326882 to carry out survey of the said land for the purpose of partition. In the course of carrying out work, the surveyor had shown the appellant a letter dated 3 September 2020 for the partition of the land contained in Geran 326882. It must be noted that the surveyor was not on the land to serve the notice of the second respondent's decision, which must be done in accordance to s 143(4) of the NLC, but merely to carry out land survey works. In any event no service of the notice of decision was done by the surveyor in early March 2021. Nor did the third respondent serve notice of the second respondent's decision dated 7 August 2020 to the appellant, as required under s 143(4) of the NLC, in accordance to the modes of service stipulated in s 431 of the NLC, at any time after the decision was made, until the appellant's solicitors wrote the letter dated 13 August 2021.

A [45] It bears emphasis that the appellant's encounter with the surveyor was the first time that the appellant had any inkling of the first respondent's application for partition and that there was an approval by the second respondent in respect of Geran 326882. And importantly, it must be noted that
B there was no mention whatsoever made by the surveyor as regards the approval for partition of the land held under Geran 326883. At best, the information given by the surveyor to the appellant was incomplete. Hence, it cannot be said that the appellant had actual knowledge in March 2021 of the second respondent's decision approving the partition of both the plots of land contained in Geran 326882 and Geran 326883. Nor was the manner in which
C the partition of both plots were to be done conveyed to the appellant.

[46] This lack of information prompted the appellant to retain solicitors and write to the second and third respondents via letter dated 26 March 2021 for
D further information and documents. There was no response from the second and third respondents. This led to a meeting in the third respondent's office between the appellant's solicitors and the Assistant District Officer on 12 August 2021, which was followed by the issuance of a letter dated 13 August 2021 by the appellant's solicitors to the second and third respondents. In
E response to that letter of 13 August 2021, the second and third respondents replied via their letter dated 18 August 2021 enclosing the first respondent's application for partition of the lands held under Geran 326882 and Geran 326883 together with documents evidencing the decision of the second respondent made on 7 August 2020 approving the application for partition.
F This is the first time that the appellant was served with notice of the first respondent's application under s 141(A) of the NLC, as well as notice of the second respondent's decision approving the partition in respect of both plots of land, which would accord with the requirements of ss 143(4) and 431 of the NLC.
G

[47] Hence, we are of the considered view that for the computation of time provided in s 418 of the NLC, the date on which the decision was communicated to the appellant is 18 August 2021 and not March 2021. Thus,
H we are of the respectful view that both the High Court and Court of Appeal had erred in holding that the three months' timeline to file the appeal under s 418 of the NLC be calculated from the date the appellant was informed about the second respondent's decision by the surveyor in early March 2021 and not from the date the appellant received actual notice of the decision in full, and the
I related documents. It was only on 18 August 2021 that the appellant knew with some certainty as to the exact nature of the second respondent's partition approval, thus enabling him to effectively lodge an appeal under s 418 of the NLC. He could not have done so with the limited information that he had from the surveyor in early March 2021.

[48] It must be noted that the decision of the second respondent to approve the application for partition was made as early as 7 August 2020 and yet the second and third defendants did not see it fit to perform their statutory duty to timeously serve that decision on the appellant, who as an affected party had the statutory right to be served with that notice of decision. And it is disheartening that the second and third respondents are now clinging onto straws to argue that their statutory duty to notify had been fulfilled by the surveyor who was on the land not to serve any notice, but to survey the land and give effect to the second respondent's decision. In fact, the evidence shows that the second and third respondents had no knowledge of the surveyor's presence on the land in March 2021.

A

B

C

[49] Taking 18 August 2021 as the date on which the decision was communicated, the appellant had until 18 November 2021 to file his appeal under s 418 of the NLC. The originating summons in this case was filed on 3 November 2021, which is well within time. Hence, we find that the appeal is competent, and the courts below ought to have considered the appeal on its merits.

D

[50] The appellant and first respondent were co-proprietors of the lands contained in Geran 326882 and Geran 326883. They had a contract, in the form of the agreement, that governed their relationship as co-proprietors of undivided equal shares. Under the agreement the land was apportioned into two parts, where the upper portion would be the appellant's and the lower portion that of the first respondent. The appellant's father and subsequently the appellant cultivated durian trees on the appellant's portion, whilst the first respondent cultivated oil palm trees on his portion. The appellant was entitled to rely on and enforce the terms of the agreement — see *Margaret Chua v Ho Swee Kiew & Ors* [1961] 1 MLJ 173. Hence, the conduct of the first respondent in applying for and obtaining partition of the two plots of land in a manner that fundamentally breached the terms of the agreement, as can be seen in the sketch plan earlier, where the partition runs from top to down, instead of left to right, is a clear violation of the appellant's contractual rights under the agreement.

E

F

G

H

[51] In considering this appeal, s 418(2) of the NLC enjoins the court to 'make such order thereon as it considers just'. We find that the first respondent in making the application for partition under s 141A of the NLC has a duty to make full and frank disclosure of all relevant matters for the consideration of the approving authority, which is the second respondent in this case. In that regard, the agreement is a crucial document that must be disclosed in the application for partition, which the first respondent failed to do. The suppression of this crucial piece of evidence means that the second respondent, in coming to the decision to partition the two plots in the manner sought by the first

I

A respondent, did not have all the relevant information before him. This has caused injustice and harm to the appellant. In fact, when the partition is done in that manner, about half the appellant's durian trees goes to the first respondent, and half the first respondent's oil palm trees goes to the appellant.

B [52] Further, we find that for reasons discussed earlier, the non-service of the
C first respondent's application for partition on the appellant as required and mandated under s 142(3) of the NLC is a fatal flaw. This failure vitiates the proceedings for partition conducted by the second respondent and renders his decision invalid, as the appellant has been deprived of his statutory right to raise objection to the partition of the land as submitted in the first respondent's application and to be heard on it.

ANSWER TO THE LEAVE QUESTION

D [53] Thus, we answer the leave question as follows:

E Section 143(4) of the NLC provides that the decision of the State Director or Land Administrator, as the case may be, shall be notified by the Land Administrator to each of the co-proprietors. The notification shall be served on the co-proprietors in accordance with s 431 of the NLC, which necessarily means that it must be writing and it must be official documentary communication under the hand of the authority such that it conforms with the requirements of the NLC. Hence, the phrase 'communicated to him' in s 418
F of the NLC must be via official correspondence from the Land Administrator.

CONCLUSION

G [54] For the reasons stated above we allow the appeal with costs here and below in the sum of RM30,000 against the first respondent and RM20,000 against the second and third respondents, respectively. The decisions of both the High Court and Court of Appeal are set aside and the following further orders as made:

- H (a) the decision of the second respondent dated 7 August 2020 approving the first respondent's application for partition of the land held under Hakmilik Geran 326882 Lot 15951 Mukim Kapar, Daerah Klang, Negeri Selangor into two separate lots namely PT 84526, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165150 and PT 84527,
I Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165151 is cancelled;
- (b) the decision of the second respondent dated 7 August 2020 approving the first respondent's application for partition of the land held under Hakmilik Geran 326883 Lot 15952 Mukim Kapar, Daerah Klang,

Negeri Selangor into two separate lots namely PT 84528, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165152 and PT 84529, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165153 is cancelled;

- (c) the four fresh documents of title issued by the second and/or third respondents following the decision of the second respondent dated 7 August 2020 to partition namely: (i) PT 84526, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165150; (ii) PT 84527, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165151; (iii) PT 84528, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165152; and (iv) PT 84529, Mukim Kapar, Daerah Klang, Negeri Selangor held under HSD 165153 are cancelled and the original two titles namely: (A) Hakmilik Geran 326882 Lot 15951 Mukim Kapar, Daerah Klang, Negeri Selangor; and (B) Hakmilik Geran 326883 Lot 15952 Mukim Kapar, Daerah Klang, Negeri Selangor be reinstated and reissued.

Appeal allowed with costs here and below in the sum of RM30,000 against first respondent and RM20,000 against second and third respondents respectively; decisions of both High Court and Court of Appeal set aside.

Reported by Dzulqarnain Ab Fatar

A

B

C

D

E

F

G

H

I